

EXHIBIT “D”

JUNE 2, 2010

DEPOSITION TRANSCRIPT OF NANCY LEATHERS

PAGES 23-28

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

CHURCH OF SCIENTOLOGY OF)	
GEORGIA, INC., a Georgia)	
Corp.,)	
)	
Plaintiff,)	
)	CIVIL ACTION
vs.)	
)	FILE NO. 1:10-CV0082CAP
CITY OF SANDY SPRINGS,)	
GEORGIA, ET AL.,)	
)	
Defendants.)	

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Deposition of NANCY J. LEATHERS, AICP,
taken on behalf of the Plaintiff, pursuant to
agreement of counsel, in accordance with the Federal
Rules of Civil Procedure, before Cathey H. Sutton,
Certified Court Reporter, at 7840 Roswell Road,
Building 500, Sandy Springs, Georgia on the 2nd day
of June, 2010, commencing at the hour of 10:03 a.m.

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1 in a written form; and you were the person who
 2 verified the interrogatory responses. Did you
 3 actually review and supply the information for the
 4 interrogatory responses?
 5 A Well, the department provided the, the
 6 information, and I believe probably both Patrice and
 7 I reviewed it.
 8 Q You don't remember specifically reviewing
 9 your interrogatory, the City's interrogatory
 10 responses?
 11 A Oh, I'm, I know that I did. I don't, I
 12 don't remember precisely now.
 13 Q Well, you said probably. I thought
 14 well --
 15 A No. Probably was I thought that Patrice
 16 had reviewed it as well.
 17 Q In your interrogatory responses you, in
 18 the interrogatories you were asked to state with
 19 specificity the compelling governmental interest you
 20 contend justifies denial of the Church of
 21 Scientology application as requested. And the
 22 denial being that less density --
 23 A I, I --
 24 Q -- was recommended.
 25 A -- I wouldn't view it as a denial. I,

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1 this is an approval with conditions.
 2 Q Okay. But it was denied as requested
 3 because they requested forty-three thousand some odd
 4 square feet, and they only got thirty-two.
 5 A Well, I don't, that's not a denial. A
 6 denial would be to recommend denial of the case,
 7 and, and this was not that. This was a
 8 recommendation to approve it at a density we thought
 9 was appropriate for the site.
 10 Q I'm not going to quibble with you about
 11 the semantics of this, but basically I'm asking you
 12 what the compelling governmental interest, what
 13 compelling governmental interest was served by
 14 recommending 32,053 square feet as opposed to the
 15 square feet requested by the Church of Scientology?
 16 MS. HENDERSON: I'm going to object, but
 17 you can answer.
 18 THE WITNESS: Okay. The, the issue that I
 19 was unable to, to address was the issue of
 20 sufficient parking for the larger square
 21 footage. We worked very hard to find a
 22 solution to that, and I was unable to do that.
 23 Q (BY MS. JONES) Let me give you the
 24 question again. I'm asking you what compelling
 25 governmental interest was served by the

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1 recommendation for 32,000 square feet.
 2 A Insufficient parking creates a public
 3 safety issue related to the site, and that is the
 4 public interest that, that was involved.
 5 Q Do you understand what the term compelling
 6 governmental interest means as a matter of law?
 7 MS. HENDERSON: Objection.
 8 THE WITNESS: No. I'm not a lawyer.
 9 Q (BY MS. JONES) Did your lawyer explain to
 10 you what a compelling governmental interest is?
 11 A I don't know that I know what a compelling
 12 governmental interest is.
 13 Q Do you believe parking constitutes a
 14 compelling governmental interest?
 15 MS. HENDERSON: I'm going to object. You
 16 can answer.
 17 THE WITNESS: Okay. I believe that the
 18 inability of people to park on the site and to
 19 back up traffic on the road because they could
 20 not get in and out of the site because there is
 21 insufficient parking is a public safety issue.
 22 Q (BY MS. JONES) And I don't mean to belabor
 23 this, but is it "compelling"?
 24 A If the --
 25 MS. HENDERSON: Objection.

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1 THE WITNESS: -- traffic is backing up
 2 onto Roswell Road and backing up one lane of
 3 traffic, I believe that is a compelling public
 4 interest.
 5 Q (BY MS. JONES) Does the Scientology
 6 property have an entrance from Roswell Road onto the
 7 property?
 8 A Yes, it does.
 9 Q And does it go to the parking?
 10 A Yes, it does.
 11 Q Behind the building? Would it be possible
 12 to alleviate that problem by putting someone at the
 13 entrance that would prohibit cars from going in once
 14 the lot was full?
 15 A That would be another option. I don't
 16 know that, that anyone volunteered to provide that
 17 kind of service.
 18 Q Do you ever park down at Fulton County?
 19 When you worked down at Fulton County, did you ever
 20 park in that building across the street from the
 21 Fulton County governmental administrative building?
 22 A On both, in both of the parking decks,
 23 yes.
 24 Q And did you ever experience a sign out
 25 front that said lot full?

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1 A I did indeed.

2 Q And did you move on when the lot -- well,

3 you probably didn't have to. You probably had a

4 monthly parking pass.

5 A I did.

6 Q But that is one way it could have been

7 handled to keep cars from backing up on MLK?

8 MS. HENDERSON: Objection.

9 THE WITNESS: Well, it's, it's a possible

10 way to do it if someone is willing to do that

11 during the periods of operation of the

12 facility.

13 Q (BY MS. JONES) Did the City suggest that

14 as a possibility?

15 A I didn't know that it was my

16 responsibility to suggest to the applicant how they

17 address the issue. I addressed the issue in terms

18 of the ability to park on the site. I addressed the

19 issue of what the problem was. It is not the City's

20 obligation, in my view, to prepare the plan for the

21 applicant in order to suggest something which

22 clearly had a significant expense to it. The

23 applicant came forward with another alternative and

24 discussed that with us, and we were perfectly

25 willing to discuss it with them; but it, it would

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1 not be our obligation to prepare an application for

2 an applicant.

3 Q Nor would it be your obligation to come up

4 with a lesser restrictive means to achieve your

5 compelling government interest?

6 MS. HENDERSON: Objection.

7 THE WITNESS: If the applicant had

8 suggested it, I would have evaluated it to see

9 whether it was something that could be done.

10 It was never suggested to us during the, the

11 four deferrals that we had from the mayor, or

12 the four hearings that we had with the mayor

13 and city council, that never arose as an issue.

14 Q (BY MS. JONES) And I don't want to belabor

15 this either, but I just want to make sure that I'm

16 understanding what you're saying, and that is that

17 the City never suggested that some sort of signage

18 or, or gate or, or monitoring of the entrance off of

19 Roswell Road be instituted by the Church of

20 Scientology to control the flow of traffic on

21 Roswell Road?

22 A Well, it's not to control the flow of

23 traffic on Roswell Road. It's to ensure that the

24 traffic going into the facility does not slow down

25 the traffic on Roswell Road and impede it in the

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1 outside and, and turning lanes. And as you know,

2 that is an intersection where we have a variety of

3 turning lines so there's several lanes that would be

4 impacted by that.

5 Q So phrased that way, the City never

6 suggested an alternate, the idea of gating or

7 blocking or monitoring the entrance?

8 A I'm not aware that anyone on either,

9 either the applicant nor the City suggested that

10 alternative.

11 Q Were there any other issues regarding

12 ingress and egress to the Church of Scientology

13 property other than perhaps blocking traffic on

14 Roswell Road?

15 A The, the City's policy is that parking

16 should be provided on site and if the parking is not

17 capable of being located on site, that there is an

18 appropriate arrangement for off-site parking for

19 required parking. We were never presented with an

20 alternative that met the requirements of the

21 ordinance other than the existing off-site parking,

22 which is located on the post office property, which

23 we showed as continuing forward.

24 But we, there was never, there were

25 alternatives discussed, but there were, there, there

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1 was nothing presented which we could then

2 incorporate as part of the case.

3 Q Now, No. 9 of the interrogatories asks the

4 City to identify every church or place of worship

5 for which the City has issued a permit, granted a

6 variance, or approved a zoning application from

7 December 31, 2005 to the present, along with the

8 zoning variance or building permit number

9 associated. And the City did provide a list of, in

10 their responses of churches on an Exhibit D.

11 MS. JONES: I hate the way these exhibits

12 are attachments instead of in the

13 interrogatories.

14 MS. HENDERSON: We provided you so much

15 information that it seemed a systematic way to

16 organize it.

17 MS. JONES: I guess I'm just not used to

18 that much of a system.

19 Q (BY MS. JONES) Well, within the body of

20 the interrogatories the City listed a number of, a

21 number of places of worship. And I'm going to go

22 through those places of worship and ask you to tell

23 me how the parking, required parking, was calculated

24 for each one of these locations in the ones that you

25 have named. Sandy Springs Christian Church, and it

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